

1 Jeffery A. Garofalo (NV Bar No. 163271)
2 E-mail:jeff.garofalo@procopio.com
3 PROCOPIO, CORY, HARGREAVES
4 & SAVITCH LLP
5 3960 Howard Hughes Pkwy, Suite 500
6 Las Vegas, NV 89169
Telephone: 702.216.2684
Facsimile: 619.788.5500
7
8 Attorneys for Plaintiff HARVEST SMALL BUSINESS
9 FINANCE, LLC, a California limited liability company

7 MICHAEL E. STOBERSKI (NV Bar No. 004762)
8 MICHAEL T. MCLOUGHLIN (NV Bar No. 012820)
9 OLSON CANNON GORMLEY & STOBERSKI
10 9950 West Cheyenne Avenue
11 Las Vegas, NV 89129
Telephone: 702.384-4012
Facsimile: 702.383.0701
E-mail: mstoberski@ocgas.com

12 Attorneys for Defendants VALBRIDGE PROPERTY
13 ADVISORS, INC., LUBAWY AND ASSOCIATES, INC.,
and MATTHEW LUBAWY

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

17 HARVEST SMALL BUSINESS FINANCE, LLC,
a California limited liability company,

Case No. 2:20-cv-512-JCM-DJA

Plaintiff.

V.

20 VALBRIDGE PROPERTY ADVISORS, INC., a
21 Florida corporation; LUBAWY AND
22 ASSOCIATES, INC., a Nevada corporation; and
MATTHEW LUBAWY, an individual and citizen
of Nevada,

Defendants.

**STIPULATION AND
ORDER FOR EXTENSION OF TIME
TO CONDUCT RULE 26(f)
CONFERENCE AND SUBMIT
STIPULATED DISCOVERY PLAN
PURSUANT TO LR 1A 6-1**

[FIRST REQUESTED EXTENSION]

STIPULATION RE: RULE 26(F) CONFERENCE AND DISCOVERY PLAN/SCHEDULING ORDER
Case No. 2:20-cv-512-JCM-DJA

RECITALS

1. Plaintiff Harvest Small Business Finance, LLC (“Plaintiff”) commenced this action on October 31, 2019 by filing a complaint against Defendants Valbridge Property Advisors, Inc., Lubawy and Associates, Inc. and Matthew Lubawy (collectively, “Defendants”) in the Eighth Judicial District Court for the State of Nevada in Clark County (Case No. A-19-804623-B).¹

2. On March 12, 2020, Defendants filed a notice of removal seeking to remove Plaintiff's complaint to this Court. (ECF No. 1.)

3. On March 19, 2020, Defendants answered Plaintiff's complaint. (ECF No. 6.)

4. On April 13, 2020, Plaintiff filed a motion for remand requesting the Court to remand this action back to Nevada state court and award Plaintiff its attorneys' fees and costs incurred as a result of Defendants' removal (the "Remand Motion"). (ECF No. 18.) Pursuant to LR 7-2(b), briefing on the Remand Motion is scheduled to be complete on May 4, 2020.

5. Pursuant to LR 26-1(a), the Parties are to (1) conduct a Federal Rule 26(f) conference (“Rule 26(f) Conference”) within thirty (30) days after the first defendant answers or otherwise appears in the action, and (2) submit a stipulated discovery plan and scheduling order fourteen (14) days after the Rule 26(f) Conference.

6. Given that Plaintiff's Remand Motion is likely to remain pending into May of 2020, the Parties have agreed that, subject to Court approval and in an effort to conserve Court and party resources, the Rule 26(f) Conference should be conducted after the Court rules on the Remand Motion. An order granting the Remand Motion will obviate the need to conduct the Rule 26(f) Conference. If the Remand Motion is denied, the Parties will conduct the Rule 26(f) Conference within fourteen (14) days after the Court's ruling and will submit the stipulated discovery plan and scheduling order to the Court fourteen (14) days after the Rule 26(f) Conference.

7. This is the Parties' first request to extend the time to conduct the Rule 26(f) Conference and to submit their stipulated discovery plan and scheduling order.

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¹ Plaintiff and Defendants are referred to herein collectively as the “Parties.”

1 **STIPULATION**

2 WHEREFORE, Plaintiff and Defendants hereby stipulate that the Rule 26(f) Conference
3 will be conducted, if at all, after the Court's ruling on Plaintiff's Remand Motion. In particular, if
4 the Remand Motion is granted, such an order will obviate the need to conduct the Rule 26(f)
5 Conference. If the Remand Motion is denied, the parties will conduct the Rule 26(f) Conference
6 within fourteen (14) days after the Court's ruling and will submit the stipulated discovery plan and
7 scheduling order to the Court fourteen (14) days after the Rule 26(f) Conference as provided for
8 under LR 26-1(a).

9 DATED: April 21, 2020

10 PROCOPIO, CORY, HARGREAVES &
11 SAVITCH, LLP

12 By: */s/ Jeffery A. Garofalo, Esq.*

13 Jeffery A. Garofalo (NV Bar No. 163271)
14 Attorneys for Plaintiff HARVEST SMALL
15 BUSINESS FINANCE, LLC, a California
16 limited liability company

17 DATED: April 22, 2020

18 OLSON CANNON GORMLEY & STOBERSKI

19 By: */s/ Michael E. Stoberski, Esq.*

20 Michael E. Stoberski (NV Bar No. 004762)
21 Michael T. McLoughlin (NV Bar No.
22 012820)

23 Attorneys for Defendants VALBRIDGE
24 PROPERTY ADVISORS, INC., LUBAWY
25 AND ASSOCIATES, INC., and MATTHEW
26 LUBAWY

27 **IT IS SO ORDERED:**

28 
29 **UNITED STATES MAGISTRATE JUDGE**

30 Dated: April 24, 2020